

DEC 30 2010

JULIA C. DUDLEY, CLERK
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**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

FRED LEWIS WILSON,

Petitioner,

V.

TRACY RAY, WARDEN,

Respondent.

Case No. 7:10CV00457

FINAL ORDER

By: Glen E. Conrad
Chief United States District Judge

In accordance with the accompanying memorandum opinion, it is hereby

ADJUDGED AND ORDERED

that the motion to dismiss is **GRANTED** as to claim (a) and dismissed without prejudice as to claims (b) and (c); that the petition for a writ of habeas corpus, pursuant to 28 U.S.C. § 2254, is **DISMISSED** in its entirety; and that this action is stricken from the active docket of the court. Based upon the court's finding that the defendant has not made the requisite showing of denial of a substantial right, a certificate of appealability is **DENIED**.

ENTER: This 30th day of December, 2010.

John C. Conroy
Chief United States District Judge